



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-1370 FAX (603) 271-1381



G. R. 15

October 14, 2003

**CERTIFIED MAIL # 7099 3400 0002 9774 0306
RETURN RECEIPT REQUESTED**

**LETTER OF DEFICIENCY
No. WMD 03-26**

Mr. William Morris
United Oil Recovery, Inc.
14-16 West Main street
Meriden, CT 06451-4109

**RE: United Oil Recovery, Inc., Newington, NH
EPA ID No. NHD 980521843**

Dear Mr. Morris

On September 18, 2002, the Department of Environmental Services (DES) conducted an inspection of United Oil Recovery, (United) located in Newington, New Hampshire. The purpose of the inspection was to determine United's compliance status relative to RSA 147-A and its implementing regulations, the New Hampshire Hazardous Waste Rules ("Rules") codified as Env-Wm 100-1100).

As a result of the inspection, the following deficiencies were documented in your hazardous waste management program which need to be corrected:

Env-Wm 502.01 – Hazardous Waste Determination

At the time of the inspection, United had not completed an adequate hazardous waste determination on the spent parts washer solvent, located in the filter room.

Env-Wm 502.01 requires that all generators of a waste determine if their waste is a hazardous waste. Waste determined to be hazardous must be handled pursuant to the requirements of the Hazardous Waste Rules.

DES requests that United perform a hazardous waste determination on the noted waste.

Note. United adequately resolved this issue in a response dated July 25, 2003.

2. Env-Wm 507.03(a)(1)a. – Container Marking

At the time of the inspection, one (1) 55-gallon container of parts washer fluid located in the filter room and handled as a hazardous waste was not marked with the beginning accumulation date.

Env-Wm 507.03(a)(1)a. requires that all containers used for the storage of hazardous waste be marked with the beginning accumulation date at the time they are first used to store hazardous waste.

DES requests United properly mark all containers of hazardous waste with the beginning accumulation date at the time they are first used to store waste.

Note: United adequately addressed this issue in a response dated March 13, 2003.

3 Env-Wm 507.03(a)(1)b., c., d. – Container Marking

At the time of the inspection, one (1) 55-gallon container of parts washer fluid located in the filter room and handled as a hazardous waste was not marked with the words “hazardous waste”, words to identify the contents of the container, and the EPA or state waste number at the time it was first used to store hazardous waste.

Env-Wm 507.03(a)(1)b., c., d. requires that all containers used for the storage of hazardous waste be marked with the words “hazardous waste”, words to identify the contents of the container, and the EPA or state waste number at the time they are first used to store hazardous waste.

DES requests United properly mark all containers of hazardous waste with the words “hazardous waste”, words to identify the contents of the container, and the EPA or state waste number at the time they are first used to store waste.

Note: United adequately addressed this issue in a response dated March 13, 2003.

4. Env-Wm 603.06(d) – Vehicle Identification

At the time of the inspection, a vehicle with the New Hampshire hazardous waste transporter registration # TNH 0052, with the company name of Total Waste Management, was observed at the transfer facility loading dock.

Env-Wm 603.06(d) requires that a vehicle which has been registered and marked changes ownership, the registrant shall permanently remove the name and transporter registration number from both sides of all power and waste carrying units transferred to the new owner prior to or upon transfer.

DES requests that United permanently remove the name and transporter registration number from the vehicle, and update it with the new name and number.

Note. United adequately addressed this issue in a response dated March 13, 2003.

5. Env-Wm 807.06(b)(3) – Standards for Generators of Used Oil Being Recycled

At the time of the inspection, United was storing collected automotive oil filters in a cement vault with greater than 10% of its volume below grade. Used oil within the filters subsequently drained out in the pit, resulting in 1,000 gallons of used oil

recovered from the pit on a weekly basis. The cement pit constitutes an underground storage tank, which has not been registered with DES's UST Program.

Env-Wm 807.06(b)(3) requires that generators of used oil design and operate underground storage tanks in compliance with Env-Wm 1401, "Underground Storage Facilities".

DES requests that United contact Tom Beaulieu of DES's Underground Storage Tank Program at (603) 271-2986, to register the underground storage tank.

6. Env-Wm 807.06(b)(5) – Standards for Generators of Used Oil Being Recycled

At the time of the inspection, a tank storing used oil destined for recycling was not closed.

Env-Wm 807.06(b)(5) requires that used oil be placed in containers or tanks that remain closed at all times, except to add or remove waste.

DES requests that United keep containers storing used oil closed, unless they are in the process of adding or removing waste.

Note. United adequately addressed this issue in a response dated March 13, 2003.

7. Env-Wm 807.09(b)(11) – Marketing Requirements

At the time of the inspection, United had failed to produce a certification notice obtained from a customer (Pike Industries) of used oil fuel. The customer is a burner of used oil fuel.

Env-Wm 807.09(b)(11) requires that used oil marketers obtain a certification statement from used oil fuel burners prior to transferring the first shipment of oil to the burner.

DES requests that United obtain the proper certification prior to initiating a shipment of used oil fuel to a used oil fuel burner.

Note: United adequately addressed this issue in a response dated March 13, 2003.

8. Env-Wm 1104.03 – Universal Waste Standards

At the time of the inspection, United had failed to notify DES as a large quantity handler of universal waste.

Env-Wm 1104.03 requires large quantity handlers of universal waste to notify DES of the universal waste activities.

DES requests that United submit an updated notification form which correctly indicates their waste activities.

Note. United adequately addressed this issue in a response dated March 13, 2003.

DES believes the cited deficiencies can be corrected and a report describing the corrective measures taken by United can be submitted within thirty (30) days of receipt of this letter. Supporting documentation that describes the measures taken to achieve compliance should be included with the report.

In the event compliance is not achieved within this period, DES may take further action against United, including issuing an order requiring that deficiencies be corrected, initiating an administrative fine proceeding, and/or referring the matter to the New Hampshire Department of Justice for imposition of civil penalties. In addition, DES personnel may re-inspect your facility at a later date to determine whether the facility has come into, and is maintaining, full compliance with the applicable rules. Fines may also be pursued for any or all violations observed during this or subsequent inspections of the facility.

The written report as requested above should be addressed as follows:

Kenneth W. Marschner, Administrator
DES/WMD
29 Hazen Drive
Concord, New Hampshire 03301-6509

Enclosed you will find a copy of the completed Hazardous Waste Generator Inspection Report which documents the compliance status of your facility at the time of the inspection. This report may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.

The State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at

<http://www.des.state.nh.us/hwcs/>

or by contacting the Public Information Center at (603) 271-2975.


It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that the DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff is available to answer your questions

concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets of specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your operation, and networks with other state or federal agencies to answer your questions on a national level. The hotline is available Monday through Friday, 8:00 AM to 4:00 PM at 271-2942 or toll-free at (866) HAZ-WAST (in-state only).

Should you have any questions regarding this letter, please contact the lead inspector, Tim Prospert or John J. Duclos, Supervisor of the Hazardous Waste Compliance Section, at 271-2942. Specific questions regarding water related issues may be directed to Sharon Ducharme of DES's Water Division at 271-3307, and for air related issues, please contact Pam Monroe of DES's Air Division at 271-1370. Thank you for your cooperation.

Sincerely,


Kenneth W. Marschner, Administrator
Waste Management Programs
Waste Management Division

RCRA/DB/LOD/ARCHIVE

cc Philip J. O'Brien, Ph.D., P.G., Director, WMD
Gretchen Rule, Esq., Administrator, DES Legal Unit
Don Littlefield, United Oil Recovery, 142 River Road, Newington, NH 03801

e-mail: Stephanie D'Agostino, DES Pollution Prevention Coordinator
Sharon Ducharme, DES/WD
Pam Monroe, DES/ARD
Tom Beaulieu, DES/WMD

Enclosures: Hazardous Waste Generator Inspection Report & Modules